

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
                        )  
                        )  
                        Steve Klotz et al. )  
                        )  
                        )  
Serial No.:         10/661,967                      ) Art Unit  
                        ) 2153  
Filed:             September 12, 2003                )  
                        )  
Conf No.:          8989                                )  
                        )  
For:                NETWORK ANALYSIS SAMPLE        )  
                      MANAGEMENT PROCESS                )  
                        )  
Examiner:          Philip J. Chea                     )

**RESPONSE TO RESTRICTION REQUIREMENT**

**MAIL STOP: AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit this paper in response to the Office Action mailed June 29, 2007 (the "Office Action"). In the Office Action, the Examiner set forth a Restriction Requirement that identified what the Examiner has characterized as three (3) distinct inventions. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following inventions:

- I.       Claims 1-9 are drawn to analyzing a network, classified in class 709, subclass 223;
- II.      Claims 10-16 are drawn to adjusting the granularity of a network analysis sample, classified in class 709, subclass 224; and

III. Claims 17-21 are drawn to adjusting a network analysis sample window, classified in class 709, subclass 224.

In response to the Restriction Requirement set forth in the Office Action, Applicants hereby elect Invention I, (claims 1-9, drawn to analyzing a network) for examination without traverse.

Applicants note that while the election set forth herein is made without traverse, the mere fact that no traverse is made should not be construed as an assessment or judgment by the Applicants as to the merits, if any, of: the characterization of the claims and inventions advanced by the Examiner in the restriction requirement set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in that restriction requirement.

An action on the merits of elected claims 1-9 and a Notice of Allowance thereof are respectfully requested.

Dated this 25<sup>th</sup> day of July 2007.

Respectfully submitted,

/Peter F. Malen, Jr./

PETER F. MALEN, JR.  
Attorney for Applicants  
Registration No. 45,576  
**Customer No. 022913**  
Telephone No. 801-533-9800